

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Scentsy, Inc.,

Plaintiff,

Civ. No. 12-268 (RHK/SER)
ORDER

v.

Reshare Commerce, LLC,

Defendants.

This matter is before the Court on the October 21, 2013 Report and Recommendation (Doc. No. 64) of Magistrate Judge Rau, recommending that Defendant's Motion for Summary Judgment (Doc. No. 39) be granted and Plaintiff's cross-Motion for Summary Judgment (Doc. No. 44) be denied. Plaintiff has filed Objections (Doc. No. 67) to the Report and Recommendation, to which Defendant has responded (Doc. No. 68). Having reviewed the Report and Recommendation and the underlying Motions *de novo*, see 28 U.S.C. § 636, and having carefully considered the Objections to the Report and Recommendation and the response thereto, the Court concludes that Judge Rau's recommendation is supported by the record in this case and by controlling legal principles. Based on the foregoing, and all the files, records, and proceedings herein, **IT IS ORDERED:**

1. Plaintiff's Objections (Docket No. 67) are **OVERRULED**, and the Report and Recommendation (Doc. No. 64) is **ADOPTED**;

2. Plaintiff's Motion for Summary Judgment (Doc. No. 44) is **DENIED**; and
3. Defendant's Motion for Summary Judgment (Doc. No. 39) is **GRANTED**

and this action is **DISMISSED WITH PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: November 25, 2013

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge